

**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested.

Claims 1-78 are presently active in this application. Claims 1, 3, 8, 9, 10, 12, 17, 19, 21, 26, 28, 29, 31, 36, 38-40, 42-47, 50-52, 54-56, 58, 60-72, and 74-78 have been amended to correct minor informalities and to better comply with accepted U.S. claim practice, all without the introduction of any new matter as the original versions of the claims clearly provide support for these changes.

The outstanding Action first indicated that the Information Disclosure Statement filed July 30, 2004, did not include a copy of JP 2002-84383, and presented an objection to the list of related cases filed February 25, 2005, that suggested that a copy of the cited related U.S. Application must be filed and that this U.S. Application must be listed on a PTO-1449.

The Examiner is thanked for discussing these matters with Applicants' representative on December 4, 2006, along with the Claim 42 problem noted below. During this discussion, Applicants' representative pointed out that the attached copy of the date-stamped filing receipt for July 30, 2004, indicates that the reference (JP 2002-84383) cited as "AO" on the PTO -1449 was filed with the IDS on that date. Moreover, as a second copy of the PTO 1449 and this reference (JP 2002-84383) cited as "AO" is also attached, the PTO can update its electronic file as to this previously submitted reference (JP 2002-84383).

During this discussion of December 4, 2006, Applicants' representative also pointed out that there was no longer any requirement to submit copies of cited U.S. Applications and that Rule 37 CFR § 1.98 did not require the list of related U.S. Applications to be presented on a PTO-1449. Examiner Lewis expressed concern that the list that was filed on February 25, 2005, did not have a heading indicating a column of blank space next to the U.S. Application being cited (as indicated on this listing, the citing of 10/801,822 corresponds to the present Application and only 11/009,415 is listed as being related).

However, Applicants' representative pointed out that there was no requirement for such a heading, just a column of blank space in which the Examiner could place her initials and that such a column of blank space was present on the left side of the list submitted.

The Examiner noted that she would reconsider these IDS matters in light of the present submissions and arguments.

Turning to Claim 42, Applicants' representative pointed out that there was no mention of this Claim in any stated rejection. The Examiner noted that this was a typographical error and that Claim 42 was rejected by implication with Claims 43-45 that each depend from Claim 42 and thus incorporate all the limitations of Claim 42 therein. Accordingly, Claim 42 is listed below in the stated rejection with Claims 43-45.

With regard to rejections, the outstanding Action noted that Claims 1, 9, 10, 18, 19, 27-29, and 37-78<sup>1</sup> were rejected as being anticipated by Copeland et al. (U.S. Patent No. 5,659,613, Copeland) under 35 U.S.C. § 102(b) and that Claims 2-8, 11-17, 20-26, and 30-37 were rejected as being unpatentable over Copeland in view of Otsuka (U.S. Patent No. 6,6243,796) under 35 U.S.C. § 103(a).

Before considering these rejections in detail, it is believed that a brief summary of the invention would be helpful.

In this regard, a first aspect of the present invention is concerned with an information processing apparatus and method that starts a program from a recording medium while maintaining security of the recording medium. A detector and detecting step are used to first detect the recording medium to be in place to permit accessing thereof and then a recording-medium starting section or activating step is used to activate the detected recording medium to be in the accessible state. A program starting section or an authenticating step is then used to perform an authentication check on the recording medium. Reading of a program from the

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<sup>1</sup> Claim 42 is included in this listing for the reason noted above.

recording medium follows only when a result of the authentication check is normal. Then the execution of the program is begun.

The subject matter of independent Claims 1, 10, 19, 29, 39, and 40 are primarily concerned with this first aspect.

In a second aspect of the present invention, the concern is with a method and apparatus for producing a recording medium that stores a starting program which causes an information processing apparatus to start and involves first producing license information using at least recording medium identification information and recording this license information along with the starting program on the recording medium and the recording medium so formed.

The subject matter of independent Claims 42, 60-63, 68, 69, and 72 are primarily concerned with this second aspect.

In a third aspect of the present invention, the concern is with a method and apparatus for producing an updating recording medium for updating a starting recording medium that stores a starting program to start an information processing apparatus and involves producing an updating program for updating the starting program that causes starting of the information processing apparatus along with recording the produced updating program on the updating recording-medium and the updating recording medium so produced.

The subject matter of independent Claims 54, 64-67, 70, 71, and 76 are primarily concerned with this third aspect.

Turning to the rejection of first aspect independent Claims 1, 10, 19, 29, 39, and 40 as being anticipated by Copeland, it is noted that Copeland fails to teach any detector (Claims 1 and 19), detection means (Claims 10 and 29) or recording medium providing for detecting (Claim 40) the recording medium being "positioned to be set in an accessible state" (Claims 1, 10, 19, 29) or the recording medium being "correctly loaded." Also, DVD video programs

have nothing to do with the subject matter claimed in terms of a software program being read and then executed.

The outstanding Action improperly relies on col. 6, lines 1-41 and 61-67 as teaching these limitations. However, these teachings are directed to a Finger Print Conditional Play System for a DVD player that simply is turned on to play any DVD. Nothing reasonably readable as the detector, detection means, detecting step, etc., appears here or elsewhere in Copeland.

Also it is believed to be clearly improper to rely on this teaching of simply having the user play a DVD on a DVD player to the subject matter of these claims that require a preliminary detection of the recording medium before any access to the medium is possible as well as requiring that there be a reading of a program from the recording medium only when a result of an authentication check is normal

In this last regard, Copeland teaches that DVDs are played back normally with or without the finger print, and that the Finger Print Conditional Play System only prevents illegal copies from being played back that have the video Finger Print but not the Signature. See col. 7, lines 34- 46.

Accordingly withdrawal of the rejection of independent Claims 1, 10, 19, 29, 39, and 40 as being anticipated by Copeland is submitted to be in order.

Just as Copeland does not teach or suggest the subject matter of independent Claims 1, 10, 19, 29, 39, and 40, this reference also does not teach or suggest the subject matter of independent Claims 42, 60-63, 68, 69, and 72 directed to the second aspect that requires the production of license information using at least recording medium identification information and recording this license information along with the claimed starting program on the recording medium. The outstanding Action does not specifically address Claim 42<sup>2</sup> but does

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<sup>2</sup> See footnote 1.

suggest that the even more detailed subject matter of Claims 43-45, 50, and 51 was some how addressed as to the rationale offered as to rejecting Claims 1, 10, 19, 29, 39, and 40. This is incorrect.

Moreover, the subject matter of independent Claims 60-63, 68, 69, and 72 that are also directed to the second aspect are simply lumped with all of Claims 55-78 on page 5 of the outstanding Action and also incorrectly suggested to have been properly treated in the outstanding Action. However, no part of the outstanding Action addresses how either Copeland and/or Otsuka can be said to teach or suggest the subject matter of independent Claims 42, 60-63, 68, 69, and 72 that all require producing license information using at least recording medium identification information and recording this license information along with a starting program on the recording medium.

Not only is the subject matter of Claims 42, 60-63, 68, 69, and 72 not addressed in the outstanding Action, neither is the subject matter of independent Claims 54, 64-67, 70, 71, and 76 are primarily concerned with the third aspect of producing an updating recording medium for updating a starting recording medium that stores a starting program to start an information processing apparatus, as noted above. Once again, the outstanding Acton has simply lumped Claims 55-78 together without treating the subject matter thereof and improperly suggests that the teaching of Copeland at col.6, lines 1-41 and 61-67, relied on to teach the detecting and program reading in Claims directed to the first aspect can also be said to teach the updating limitations of Claim 54.

Accordingly withdrawal of the rejection of independent Claims 42, 54, 60-72 and 76 as being anticipated by Copeland is submitted to be in order.

As dependent Claims 9, 18, 27, 28, 37, 38, 41, 43-53, 55-59, 73-75, 77 and 78 include all the limitations of their respective parent independent claims that are argued above and added limitations not taught or suggested by Copeland, withdrawal of the rejection of

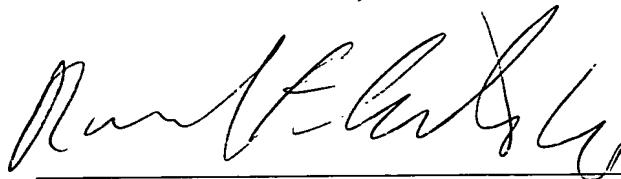
these dependent Claims 9, 18, 27, 28, 37, 38, 41, 43-53, 55-59, 73-75, 77 and 78 as being anticipated by Copeland is also submitted to be in order.

Moreover, as Claims 2-8, 11-17, 20-26, and 30-37 all depend from one of the above-noted respective parent independent claims and thus include all the limitations thereof, and as Otsuka cures none of the above-noted deficiencies of Otsuka, withdrawal of the rejection of Claims 2-8, 11-17, 20-26, and 30-37 as being unpatentable over Copeland in view of Otsuka is further respectfully submitted to be in order. Also, as neither Copeland taken alone or in any proper combination with Otsuka teach the added subject matter of dependent Claims 2-8, 11-17, 20-26, and 30-37, this rejection is traversed on this grounds as well.

As no further issues are believed outstanding in the present application, it is believed to be clearly in condition for formal allowance. Accordingly, an early and favorable action to that effect is therefore earnestly and respectfully requested.

Respectfully submitted,

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